

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

MICHAEL ROBINSON, )  
Plaintiff, )  
v. )  
TOMMY GREENWELL, et al., )  
Defendants, )  
No. 1:15CV240 SNLJ

## **MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. Plaintiff has not paid the initial partial filing fee as ordered by the Court. On March 14, 2016, the Court ordered him to show cause why this action should not be dismissed for failure to prosecute. In response, he says that he will pay the initial fee “if [his] claim is not dismissed.”

Section 1915(b) requires a prisoner to pay an initial partial filing fee *before* his or her case may proceed. The fee is not optional. As a result, this action is dismissed for failure to prosecute. Fed. R. Civ. P. 41(b).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 24th day of March, 2016.

  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE